

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re: Quinton Jamahl Duruji Davina Monique Duruji,	BKY 22-41034 Chapter 13
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Debtor(s).

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**NOTICE OF HEARING AND MOTION FOR DISMISSAL**

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TO: All parties in interest pursuant to Local Rule 9013-3.

1. Kyle L. Carlson, Chapter 13 Trustee, moves to dismiss this case.
2. The Court will hold a hearing on this motion at 10:00 a.m. on Thursday, January 19, 2023 in Courtroom 8 West, 8th Floor, U.S. Courthouse, 300 South 4th Street, Minneapolis, MN 55415
3. Any response to this motion must be filed and served not later than Friday, January 13, 2023, which is five days before the time set for the hearing (including Saturdays, Sundays and legal holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334. The motion is brought pursuant to 11 U.S.C. § 1307, Bankruptcy Rule 1017, and Local Rule 1017-2. The debtor(s) commenced this case by filing a voluntary Chapter 13 petition on June 28, 2022. This case is pending before this Court.
5. The debtors have not filed a plan following the Court's denial of confirmation of their previously filed plan. Section 1321 provides that "[t]he debtor shall file a plan." Failure to file a plan is cause for dismissal pursuant to Section 1307(c)(3). Bankruptcy Rule 3015(b) provides that a plan is untimely unless it is filed within fourteen days of the petition date. Subsequent plans required by the Court are also subject to the plan filing requirement of Section 1307(c)(3). *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (9th Cir. BAP 2011).

WHEREFORE, the Trustee moves the Court for an order dismissing the case and such other relief as may be just and equitable.

Dated: 12-8-22

/e/ Kyle L. Carlson  
Kyle L. Carlson  
Chapter 12 & 13 Trustee  
PO Box 519  
Barnesville, MN 56514  
218-354-7356

**VERIFICATION**

I, Kyle L. Carlson, Chapter 13 Trustee, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: 12-8-22

/e/ Kyle L. Carlson  
Kyle L. Carlson, Trustee

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In re:

Quinton Jamahl Duruji  
Davina Monique Duruji,

BKY 22-41034

Chapter 13

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**UNSWORN DECLARATION FOR PROOF OF SERVICE**

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The undersigned, being an employee of the standing Chapter 13 Trustee, declares that on the date indicated below, I served the attached notice of hearing and motion for dismissal upon all entities named below by first class mail postage prepaid and to any entities who are filing users, by automatic e-mail notification pursuant to the Electronic Case Filing System:

Quinton Jamahl Duruji  
Davina Monique Duruji  
1373 45th Ave SW,  
Willmar, MN 56201

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: 12-8-22

/e/ Jamie Swenson  
Jamie Swenson  
Chapter 13 Office